



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
REGULAR MEETING,
CONDITIONAL USE HEARING
September 21, 2015
7:00 p.m.
Approved

Attending:

Board of Supervisors

Guy A. Donatelli, Vice-Chair
Catherine A. Tomlinson, Member

John Good, Esq., Township Solicitor
Mark Hagerty, Court Stenographer

Township Administration

Cary B. Vargo, Township Manager
Gwen A. Jonik, Township Secretary
John DeMarco, Police Chief
Jill Bukata, Township Treasurer
Al Gaspari, Codes Administrator
Mike Heckman, Director of Public Works
Dave Leh, Township Engineer

Mr. Donatelli called the meeting to order at 7:01 p.m., led the salute to the flag, and offered a moment of silence. Mr. Donatelli advised that Mr. Kerr wouldn't be in attendance this evening.

Mr. Donatelli asked John Good to conduct the Conditional Use Hearing. Mr. Good announced the Hearing was for a Conditional Use Application submitted by Rotelle Companies to construct a home within steep slopes. Mark Hagerty, Court Stenographer, recorded the proceedings. Mr. Good entered into the Record the following documents as the Board's Exhibits:

- B-1 Letter of Submission of Conditional Use Application
- B-2 Conditional Use Application
- B-3 Conditional Use Application Drawing / Site Plan
- B-4 August 13, 2015 Planning Commission Meeting Minutes
- B-5 September 3, 2015 Gilmore & Associates' Review Letter
- B-6 September 10, 2015 Planning Commission Meeting Minutes (Draft)
- B-7 OTM, LLC's Response Letter
- B-8 Proof of Publication
- B-9 Affidavit of Posting

Mr. Good summarized the Application: Rotelle Companies proposes construction of a single-family dwelling on a 12-acre lot within precautionary slopes. The property is located on Skyline Drive.

Brad Grauel, of OTM, LLC, was sworn in and provided testimony on behalf of the Rotelle Companies. The Storm Water Management Site Plan dated June 2015, and last revised September 11, 2015 (3 sheets) was entered into the Record as Applicant's Exhibit: "A-1".

In summary, Mr. Grauel advised that there is an existing pond currently receiving the storm water from this lot and it will be modified to continue to do so; there are varying degrees of steep slopes on the property, as well as high water table; the County Conservation District and County Health Department have reviewed and approved their respective requirements/systems for this property. In answer to Mr. Good's question, this lot is the last approved building lot in the "Dowlin Meadows" subdivision (1995) and the site was selected for the visual effect and the higher location on the lot. The Applicant will meet all of Gilmore's comments. A response letter was submitted and the drawings revised (September 11, 2015). Any additional comments will be addressed. There were no further questions from the Board of Supervisors, or the audience. There was no one interested in becoming a Party to the Proceeding. Mr. Good closed the Hearing.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to Approve the Conditional Use to construct a home within steep slopes at 117 Skyline Drive with the conditions that: it be consistent with the testimony and exhibits presented this evening, consistent with the Township Engineer's review letter and that any further conditions that may arise would be satisfactorily addressed. The Motion carried.

Natasha Manbeck, McMahon Associates, introduced the Transportation Impact Fee Advisory Committee (TIFAC) members in attendance: Neal Fisher, Dave Beideman, Jason Xu, Joe Stoyack, Bob Schoenberger. John Theilacker, Brandywine Conservancy, was in attendance. Mrs. Manbeck advised that tonight's Public Hearing for the updated Land Use Assumptions Report (LUAR) was the next step in the process of reviewing/updating the Township's traffic impact fee. The TIFAC has expanded the transportation service area and will be updating the Capital Transportation Improvement Plan. The draft LUAR addressed changes in land use since 1995, the increase in residential dwellings and population, the central public sewer plant, the commercial/industrial expansion since 1995 (Eaglepointe Industrial Park, Lexus dealership), additional religious institutions, etc. The LUAR projects an increase in population by 1,200 by the year 2025, and the build-out analysis was categorized by potential development/re-development within Eagle Village and outside the Village. The TIFAC projects 228 additional dwelling units outside the Village and 1.75 million square feet of commercial/industrial space within or nearby the Village. The LUAR was distributed to neighboring townships, the County Planning Commission, and the Downingtown School District, for review and comment, in compliance with the State Municipalities Planning Code. The County Planning Commission and East Brandywine Township responded that they'd reviewed the LUAR and had no substantial comments. A few minor technical changes were made since the final draft was distributed, to correct rounding accuracy and to coordinate the tables and maps.

John Theilacker advised that while additional residential units might be considered within the Village, it's difficult to estimate that in the build-out analysis; therefore commercial development was projected within the Village.

The next step in the Traffic Impact Fee update is the Roadway Sufficiency Analysis. Twenty (20) intersections will be studied to identify deficiencies, estimate future traffic conditions, and identify improvements.

Natasha Manbeck requested the TIFAC make a recommendation to the Board of Supervisors that they adopt the Land Use Assumptions Report as presented. Bob Schoenberger moved, seconded by Neal Fisher, to recommend that the Board of Supervisors adopt the updated Land Use Assumptions Report. All TIFAC members were in favor.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Resolution #09-21-15-10, which approves the Land Use Assumptions Report dated August 2015, with minor technical corrections, as prepared by the Brandywine Conservancy. The Motion carried unanimously.

Approval of Minutes

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to approve as presented the minutes of the August 11, 2015 Board of Supervisors Workshop and the August 17, 2015 Board of Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

Mrs. Tomlinson moved, seconded by Mr. Donatelli, to approve the payments to all vendors. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported the Balance Sheet remains strong, year to date revenues are at 66.7% of the budget, expenses are at 60.2% of the budget; \$2.6 million has been transferred from the General

Fund to the Capital fund. Mrs. Tomlinson moved, seconded by Mr. Donatelli, to accept the Treasurer's Report. The Motion carried unanimously.

Supervisor's Report

Mr. Donatelli announced that the Turnpike Commission will hold an Open House Plans Display at the Lionville Middle School, September 24, 2015, 6:00-8:00 PM, regarding the reconstruction and widening of the Turnpike through Upper Uwchlan Township.

Mr. Donatelli read the following calendar: September 23, 30, October 7 and 14 – Yard Waste Collections; September 23, 2015 7:00 PM Zoning Hearing Board – Applicant: Stearns; October 13, 2015 4:00 PM Joint Boards and Commissions Workshop, proposed 2016 Budget workshop; October 19, 2015 7:00 PM Board of Supervisors Meeting.

ADMINISTRATION REPORTS

Township Engineer's Report

Dave Leh reported that the earth work and sewer connection preparation is done for the Fellowship Fields Field House. Marsh Creek Eagles' builder can begin the building construction.

Building & Codes Department Report

Al Gaspari reported that 66 building permits were issued in August, totaling \$9,531 in permit fees. Mr. Gaspari reported that Hunter Walp has completed his Eagle Scout project – the American Flag collection box has been located at the Township Building and the fire pit has been constructed. The first flag retirement ceremony may be held mid-October, after the trails at Upland Farm are paved. Columbia Gas has completed the boring under the Turnpike and they may finish at Lakeridge later this week.

Police Chief's Report

Chief DeMarco reported that the Department answered 1,304 calls in August, including 15 crimes – mainly identity theft, and 5 arrests. School is in session; drive carefully.

Public Works Department Report

Mike Heckman reported that the Department has been performing vehicle maintenance and inspections, most of the road paving projects are complete, the base course at Hickory Park is complete and will be finished once the pipeline work has been completed; the pipeline company is paying the re-mobilization costs for the paving company to return; roadside mowing continues; summer help has returned to school; the 2016 budget is being prepared; and Dan Zmuida has completed PennDOT courses and attained "Road Scholar" certification.

Mr. Heckman reminded residents to inspect the condition of their mailboxes and posts and repair any deficiencies prior to winter.

Administration

Street & Sidewalk Obstruction Ordinance. Mr. Donatelli advised the proposed Ordinance is a tool for safety and code enforcement concerns, when items such as landscaping materials or equipment, home repair equipment, etc. occasionally are left in the road or on the sidewalk. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt O#2015-07 which establishes definitions, prohibitions and penalties regarding Street and Sidewalk Obstructions. The Motion carried unanimously.

2015-2016 Snow Removal Contract. Mike Heckman advised that the 2 bids received for the 2015-2016 snow removal contracts do not equal the number of trucks requested – only 1 of 4 dump trucks were bid and only 3 of 6 pick-up trucks. P.J. Reilly bid 1 6-yard dump truck with plow and salt spreader at \$178/hour. P.J. Reilly bid 1 pick-up truck with plow at \$132/hour. Mulch & More bid 2 pick-up trucks with plows at \$140/hour. Mr. Heckman recommended the Board award contracts to those firms for the trucks bid. He advised that some companies have trucks available

for plowing activities but do not have drivers. We will be guided by the Township Solicitor as to the proper procedure to seek additional contractors.

Mr. Donatelli moved, seconded by Mrs. Tomlinson, to award snow removal contracts to P.J. Reilly and Mulch & More as recommended by Mr. Heckman. The Motion carried unanimously.

PennDOT Winter Services Agreement. Mr. Donatelli summarized the current Agreement with PennDOT, that the Township plows/salts the southern portion of Graphite Mine Road (Byers Road south to Route 100) and receives funds from PennDOT for doing so. The current Agreement expires and PennDOT has submitted a 5-year renewal Agreement, through the 2019/2020 winter. Mr. Donatelli moved, seconded by Mrs. Tomlinson, to adopt Resolution #09-21-15-11 which authorizes the Township Manager to execute the 5-Year Winter Services Agreement with PennDOT. The Motion carried unanimously.

Open Session

Hal Harper commented that Columbia Gas has been installing a 26" pipe in a 42" tunnel and he's concerned with the adequacy of the material being used to fill and stabilize the pipe. He's concerned that sinkholes and depressions will result and how can property owners notify Columbia should that occur. Mr. Donatelli and Mr. Vargo advised that those are valid concerns and the entire area that Columbia has impacted will be monitored by the Township via drone. Each property owner entered into an Agreement with Columbia and they should notify Columbia of items that need remediation. Mr. Vargo advised that the Township is sending to Columbia a detailed list and specifications of items on Municipal property, and homeowners should do the same. Anyone wishing to view the Engineer's Report should contact the Township Office. Restoration activities will begin at Upland Farm in the next few days.

Mr. and Mrs. Pake, 4 Perth Place, commented that the neighbor's ornamental bamboo is growing into their property and they're concerned the roots/runners are affecting their well, septic system, plantings, etc. They request that this type of bamboo be added to the invasive plant or noxious weed Ordinance so procedures are in place to hold property owners responsible for the spread of this plant. Al Gaspari brought this subject to the Board's attention and it was discussed at a recent Supervisors' Workshop. Mr. Donatelli requested Mr. Gaspari continue to research other Municipalities' ordinances and craft one for adoption. Mr. Gaspari advised that the Ordinance would prohibit the particular type of bamboo and hold the property owners liable.

Amy McHugh, Moore Road, asked several pipeline-related questions: updated timeline of Columbia pipeline completion in the Lakeridge area; will the Township amend the noise Ordinance so that there can't be any 24/7 construction-related noise in the future; and is the Sunoco Mariner 2 pipeline project within Upper Uwchlan? Mr. Vargo advised that Columbia Gas is pulling pipe in the Lakeridge area this Wednesday and it could be done in less than 24 hours, then the noise is done and restoration activity can begin; if the construction project is utility related and/or under Federal or State requirements, the Township can't necessarily limit hours of construction-related noise; and at this time, we don't know the location or timing of the Mariner 2 project.

Adjournment

There being no further business to be brought before the Board, Mr. Donatelli adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary